

Transcription for Public Hearing EO67

Damico, Joe: [0:01] Good morning. How is everybody today? My name is Joe Damico and I am the director of the Department of General Services. Welcome to the Carillon and the public hearing today for the Lee Monument regulations. Before we get started, some administrative comments. We've got four exit doors in the facility. There are two on my right, two on my left, four on my left. The bathrooms are on my left, the women's would be on the north side of the building, the men's room on the right side of the building. If there is an emergency in the facility today, Capitol Police and my staff will assist people to the exit doors. The purpose of today's meeting is to receive comments for the department's proposed permanent regulations for the use of the Robert E. Lee Monument. The regulation provides general rules for the use and also rules for the permanent use of the facility. We are not here to answer questions today, but listen to your comments. The proposed permanent regulation would replace the emergency regulation put in place in Nov. 2017. As for the process, the way this will work, public hearing is part of a 60-day public comment period that we are in right now. After this public comment period, DGS will take the comments received, both in writing and from the public hearing today and determine any additional edits that need to be made to the regulation. After that point, the regulations will go through the [inaudible] review process on the state side and then there will be one more 30-day comment period on the final regulations. DGS has provided or at least I hope you picked up a copy of the regulations before you came in, if you don't have one and you would like one, we have them on the table out front. You can also find the regulations on the Virginia Town Hall website. So to go over a couple of rules before we get started on how we are going to handle today. First of all, I'd like everybody to be very courteous to the speaker. No loud outbursts or inappropriate language—that will not be tolerated. We will give everybody

same opportunity to speak and all be respectful of them. Anyone that wishes to speak must have signed up out front and you should have a number. And that's the order in which individuals shall speak. When you stand up to speak, if you could please state your name before you start your comments. Um everybody will have two minutes to speak, we have a timer up here to keep everybody on track. If you hear a bell [bell rings] then your two minutes has ended. If you don't wish to speak but would still like to provide comments on the regulations, you can still do that through the town hall process specific to DGS, we'd appreciate that. We are recording the event today to make sure we don't miss any of the comments that [inaudible]. So with that, um unless there are any questions on how this process will work today, um we will start with our first speaker, so number one?

Gaud, Christopher: [4:06] Thank you. Um thank you very much. I have been actively engaged in freedom of expression against the Lee Monument. Um I don't think these regulations do anything to, I think, I think it's very horrible for freedom of expression. It still allows groups to be on the sidewalk, on the outside it has done nothing to stop vandalization. Um when you look at past events right here, when you force people on the sidewalk and you don't allow use of grass, it forces groups to be much closer, uh the police or going to selectively engage whoever they want and not a specific group and I don't think that is either fair for the individuals who are protesting or the police that are put in that position to selectively identify a threat. And also the same extent right here you have individuals who show up heavily armed but they are on the outside of the sidewalk and that is going to still be allowed per these regulations that you will still have people just on the edge of the sidewalk very close to traffic. Um and the past couple of people who have protested have had to shut down traffic and these regulations uh I feel are very harmful in this regard because we are putting people at more risk. [Inaudible] just on the sidewalk, very close to traffic, very close to opposing opinions that are armed. Uh I would recommend that you would not have uh restrictions to protestors uh no matter what size under 500 still should be able to accommodate very easily on that grass. Uh you can easily separate people, You can have them express whatever opinions they want um I don't, I don't think, I don't think any involvement in firearms will be a problem. Um I think that should be about it, given the time I have, uh thank you for your time.

Damico, Joe: [6:08] Thank you. Second person please, number two.

Walker, Mark: [6:20] Uh good morning my name is Mark Walker. My wife and I have lived in the Richmond area for about 32 years now. Prior to that we lived in Baltimore. My wife lived in New York City, I lived in Washington D.C. and then we moved to Denver for a while. We've seen tremendous progress regarding what has happened here [inaudible] years it has been very gratifying to see that progress. My comment here is limited to greater support for security in the short term around the Lee Monument. It has seemed to us obvious for quite some time that the fact that there is nothing but a fence there seems odd. Obviously greater security is needed and the steps that are being put in place [inaudible] Certainly support is needed for the security. However, the security for the Lee Monument is only the proverbial tip of the iceberg regarding the rest of what's going on on Monument Avenue and throughout the city. Personally my, the main reason I am here is to kind of emphasize the urgency needed to make these steps more [right?] Time is not on our side, our side means generally, and the patience I think is wearing thin. I would like to obviously see faster progress is what I'll say. And in that regard, [bell rings] there seems to be. Thank you, sorry. My last comment had to do with sending Jeff Davis back to Alabama.

Damico, Joe: [8:34] Thank you, sir. Number three, third person, please.

Billfair, Rand: [8:41] I'm Rand Billfair?? I represent the ACLU of Virginia and our 24,000 members across the Commonwealth. The ACLU of Virginia believes the government had an obligation to protect the free speech and public safety and we appreciate the effort to balance these responsibilities. At the same time, we were disappointed that the Department of General Services did not address any of the constitutional concerns we raised in the comments we filed on January 2018 on the emergency regulations. We have reiterated our concerns in the comments filed yesterday on the proposed regulations and hope they will be reflected in any final rules. There is, however, one action that Governor Northam could take immediately that would resolve these concerns be eliminating the need for these regulations in the first place. The governor could use his executive power to have the Lee Monument removed from the state property where it is now located. If the Lee Monument were not located where it is now there would be no need for these un[inaudible] and potentially unconstitutional regulations regarding the use of the ground surrounding it. The Robert E. Lee Monument is accurately described in [inaudible] post regulations as a state property island in an area otherwise regulated by the City of Richmond. The governor has authority over state property at the seat of government and broad authority to dispose of state property, deemed surplus when not needed, by public auction, donation or possibly transferred to the federal government. We urge the governor to show the administration equity by taking action immediately to remove this towering, racist symbol from Richmond's Monument

Avenue. Among other possibilities, he might consider donating it to the Appomattox Courthouse National Historic Park, which memorializes the surrender of his 28,000 confederate troops in the end of the American Civil War and will provide appropriate historical context for the statue's display. Thank you.

Damico, Joe: [10:17] Thank you. Fourth person please?

Gerdin, Catherine: [10:31] Hello, my name is Catherine Gerdin. I live two blocks from the statue and I was the president of the Fan District Association when these emergency regulations were enacted. And I was [inaudible] at that time, but I do not think that we are still in that current political climate where there is a lot of anxiety, rightly so after Charlottesville. So my comment here, and I will be sending more detailed ones online, in general, I think to just roll an emergency regulation into permanent status is overkill for what we have seen um how things have played out in subsequent rallies at the statue after Charlottesville did not require the same level of police response or presence. My other concern is that it really does infringe far too much on freedom of assembly. Um 10 people that's a tiny number, 500, that's also low. Lee's statue with the grass around it has been a wonderful place for people to congregate. Um we've had many events there without any violence, and I worry that things that could happen in the future that would be beloved or important events in Richmond's history would no longer be able to occur as well as people who wanted to express themselves would not be able to go there. Um my final comment would be that this only pushes the problem on to the Richmond Police Department. And I value greatly what Capitol Police does, they have a hard job, but I feel like they probably have more resources than RPD and to just push this problem out on to RPD, on to the streets, on to the medians, on to the sidewalks, on to the neighborhood, it just it's not a long term solution. I appreciate you listening to our comments. I will note that I am only speaking on my own behalf. The Fan District Association may have taken a position on this, but we were not notified that this was happening so we did not have time to poll our membership. Thank you.

Damico, Joe: [10:32] Thank you. Do we have anybody else that would like to speak to the regulations? Ok, we are going to keep this hearing open until noon today so you all are welcome to stay until we leave here should anybody else decide to come and provide their comments. Thank you all for speaking and for providing your comments. You are welcome to stay as long as you'd like until we leave here at noon today. Thank you.

Damico, Joe: [0:25] You ready? The floor is yours.

Speaker: [0:26] [overlapping] So um so I listened to the commentary that was here before and I agree with them I think I am opposed to these um these, these rules, these posed rules, because I don't think it's going to

make people safer. I think it's just going to push people out and they're still going to be able to have weapons they just aren't going to be able to have it uh you know in that area. So I don't think it's really going to make a big difference. But um, but then I also became aware that uh that the Easter Parade is going to be grandfathered in. Now the Easter Parade would violate all, many of these rules if they pass. My right to protest against those symbols, those monuments of hate is more important than the Easter Parade. And if you allow the Easter Parade to continue, my rights to protest those symbols of hate should also be honored. That's it.

Damico, Joe: [1:25] Thank you very much. Thanks for coming back.

Speaker: [1:28] No problem.

Damico, Joe: [1:29] Have a good day.